

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13732 OF 2025
IN
WRIT PETITION NO. 9508 OF 2011

The Municipal Co-operative Bank Ltd ...Applicant
Versus
Shri. P. M. Khair Since Deceased Thr. Lrs ...Respondents

SNEHA
NITIN
CHAVAN

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Date: 2025.12.12
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Mr. Sandeep Waghmare a/w Mr. Prashant Naik for the Applicant.

CORAM : M.M. SATHAYE, J.
DATE : 12th DECEMBER, 2025

P.C. :

1. Heard learned Counsel for the Applicant.
2. The Applicant is Petitioner in the Writ Petition. Application is filed seeking permission to serve by substituted service by paper-publication.
3. The Applicant/Petitioner has stated on oath as under. That the present petition is directed to be heard along with O.S. Writ Petition No. 2352 of 2011. That both the petitions are pending. That original Respondent P.M. Khair expired on 31.12.2022 leaving behind 3 legal heirs. That one of the legal heirs visited the bank on 15.03.2023 and provided the necessary information about death of Respondent. They served a copy of Interim Application taken out by said legal heirs in the companion Writ Petition for substituting them as legal heirs of the deceased. The said Interim Application (taken out by the legal heirs in the companion petition) contained details and addresses of the legal

heirs of the deceased Respondent. That the Applicant thereafter took out Interim Application (Stamp) No. 8376 of 2023 for bringing said legal heirs on record of present petition, stating address supplied by legal heirs themselves. Since the application was in time, it was allowed; however, thereafter, the notices could not be served upon them.

4. It is stated that upon taking search and on inspection of records, it was revealed that notices issued to the legal heirs of Respondent No.1 have returned back with remark “not found and they have left the premises”. A copy of the bailiff report dated 06.11.2025 is relied upon in support of the case. It is stated that both the Writ Petitions were heard together on several earlier occasions.

5. Copy of Interim Application filed by legal heirs in the companion petition is placed on record showing the address disclosed by them. Copies of registered post receipt as well as returned packets with postal remarks are also placed on record.

6. In view of the aforesaid, a case for substituted service is made out.

7. Accordingly, application is allowed in terms of **prayer clause (a)**. Notice is made returnable after 6 weeks. To be served through news paper publication.

8. Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)